THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25028 of 2007

Between:

Smt.Chelamasetti Prasanna and others.

.. PETITIONERS

and

Land Reforms Tribunal cum Revenue Divisional Officer,
Bandar and another.

.. RESPONDENTS

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W.P.No.25028 of 2007

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ORDER:

It is the case of the petitioners that they are the legal heirs of one Sri Chelamasetti Gangaiah-declarant, who filed declaration in C.C.No.2098/B/75. The Land Reforms Tribunal, Bandar, passed an order, dated 09-01-1986, declaring that the declarant has got excess land to an extent of 0.5488 standard holding. It is stated that after passing the final order holding that the declarant has got the aforesaid excess land, notice under Section 10(4) of the Land Reforms (Ceiling on Agriculture Holdings) Act, 1973 (for short "the Act") has not been issued to the petitioners calling upon to surrender the excess land, which is over and above the standard holding.

Learned Government Pleader appearing for the respondents submits that in fact a perusal of the impugned order goes to show that the notice as contemplated under Section 10(4) of the Act for surrender of the excess land was issued on 10-01-1995 and a notice in Form-VI was issued on 05-02-1996, which were served on the legal heirs of the declarant for filing surrender statement. As they failed to surrender the excess land, the matter was referred to the Mandal Revenue Officer, Machilipatnam, for selection of feasible lands for accepting as surplus lands. Accordingly, the impugned order, dated 09-03-2006 in C.C.No.2098/B/75 was passed by the Land Reforms Tribunal, Bandar, selecting an extent of 0.3125 S.H. (Ac.06-25 cents) in Sy.No.186/1A and 0.1615 S.H. (Ac.03-23 cents) in Sy.No.186/1C of S.N.Gollapalem. It is stated that the said lands were taken after giving public notice in Form-VIII as required under Rule 7(4) of the Act.

Learned counsel appearing for the petitioners submits that the petitioners could not have availed the remedy of appeal, as the impugned order has not been communicated, as contemplated under Section 20(3) of the Act.

As the petitioners obtained certified copy of the impugned order, they are permitted to file an appeal under Section 20(3) of the Act before the Appellate Authority within 10 days from today. If any such appeal is filed within ten days from today, status-quo obtaining as on today with regard to possession shall be maintained, pending disposal of the appeal.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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26-11-2007

Note:
Issue C.C. by tomorrow
(B/o)
Prv